

Message

From: Chin, Lucita [Chin.Lucita@epa.gov]
Sent: 5/7/2020 1:24:45 PM
To: Volk, Everett [volk.everett@epa.gov]; Logan, Paul [Logan.Paul@epa.gov]; Denawa, Mai [Denawa.Mai@epa.gov]; Matsumoto, Kimi [Matsumoto.Kimi@epa.gov]; Boydston, Michael [Boydston.Michael@epa.gov]; Perkins, Erin [Perkins.Erin@epa.gov]
CC: Joffe, Brian [Joffe.Brian@epa.gov]
Subject: RE: Dewey Burdock - schedule for final permits

Douglas writes summaries of the DB meetings. I'm sending you the last one below. As you can see, there are broad range of topics we cover. I am happy to start sending these along as we get closer to all the deadlines.

Notes/Updates from our 4/28/20 meeting Let me know if I missed something, especially on the NHPA section..thanks!

- **OGWDW Funding for Cadmus Contract:** An additional \$50,000 is being put into this contract and another \$40,000 is available if needed. The \$50,000 may be sufficient but we agreed to reassess our needs for support through August. An amended WA has been prepared to cover the Option 4 period through 6/30/20. Option 5 paperwork has been completed for work after this date. Douglas will ask Bill Bates how quickly the \$50,000 can be awarded and when OGWDW needs our decision on the remaining \$40,000.
- **147 Variance Document:** This has been signed by Greg and will be included in the administrative record. Thanks Bruce!
- **Response to Comments:** Lucita has been drafting responses to the comments assigned to her which typically involve interpretation of our regulations and will continue to provide assistance to Rick and Valois. Rick is working on his responses to the Class III comments assigned to him and Class V. Valois plans to begin reviewing Cadmus' characterization of the Class III comments assigned to her and drafting responses soon. She has been reviewing and responding to the NHPA comments so Mike B can review them, assisting the EJ program, etc. Paul L. is reviewing and

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- **Changes to Class III and V Permits:** Valois and Rick have identified the scope/nature of these changes to incorporate into the final permits. Since these will be captured in the RTC, we agreed that senior management review of the final permit language would not be needed. Rick said he should be able make his changes to the Class III and V permits by 5/8.
- **EJ:** Douglas and Sarah received an update from Corbin on 4/27 and will review the EJ program's initial draft responses to comments and proposed changes to our EJ analysis.

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- **Tribal Consultation:** Omar re-confirmed 5/18 for Darcy/Valois/Kim's in person meeting with OST. Omar is still waiting to hear back from SRST to re-schedule Darcy's phone conference. Douglas will reach out to Kim for guidance on

further communication with the CRST. We have received no further response from Yankton Sioux to confirm their desire to consult. Darcy confirmed that she can consult with the Santee Sioux by phone on May 7th and Omar will notify the R7 UIC program and Tribal Program Director. N Arapahoe THPO replied back to Omar notifying us that their offices have been closed. Omar will follow up again to see if they need more NHPA information, etc. beyond what we sent them. Omar has not received a reply from the Shakopee Community in response to our email requesting a reply by 4/13 as to whether they wish to engage further/consult by May 29th.

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- **Paralegal:** DB will be a priority for this person who will need to work closely with the student intern. Start date TBD.
- **FR:** Douglas and Ben met with John and Blake. PT agreed to provide Ben with three independent contractor bids to inform the per well plugging costs for the first Class III ISR wellfield. This will help inform our pre-final permit decision on an adequate FR.
- **Student Volunteer Intern:** Douglas selected Melissa Saale who is available to start on 5/11. He will route the onboarding paperwork this week.

Lucita Chin

Senior Assistant Regional Counsel | Office of Regional Counsel | Media Law Counseling Section
Environmental Protection Agency Region 8 | 1595 Wynkoop St. | Mail Code: 8ORC-LC-M | Denver, CO 80202
Office: (303) 312-7832

From: Chin, Lucita

Sent: Wednesday, May 6, 2020 3:32 PM

To: Volk, Everett <volk.everett@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>; Denawa, Mai <Denawa.Mai@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>

Cc: Joffe, Brian <Joffe.Brian@epa.gov>

Subject: RE: Dewey Burdock - schedule for final permits

That's fine. I just heard from Douglas, and he is planning to schedule a coordination meeting on Monday around noon, in case that affects your timing.

Lucita Chin

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From: Volk, Everett <volk.everett@epa.gov>

Sent: Wednesday, May 6, 2020 2:01 PM

To: Logan, Paul <Logan.Paul@epa.gov>; Denawa, Mai <Denawa.Mai@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Perkins, Erin

<Perkins.Erin@epa.gov>

Cc: Joffe, Brian <Joffe.Brian@epa.gov>

Subject: RE: Dewey Burdock - schedule for final permits

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Everett

Everett Volk

Senior Assistant Regional Counsel

U.S. EPA Region 8

303-312-7290

From: Logan, Paul <Logan.Paul@epa.gov>

Sent: Wednesday, May 6, 2020 12:50 PM

To: Denawa, Mai <Denawa.Mai@epa.gov>; Chin, Lucita <Chin.Lucita@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>

Cc: Joffe, Brian <Joffe.Brian@epa.gov>; Volk, Everett <volk.everett@epa.gov>

Subject: RE: Dewey Burdock - schedule for final permits

Great point, Mai. I don't recall anything from Sara, but I might be misremembering, and in any event I'd welcome guidance/memos/manual/etc. for consistency. I wonder if CCILO might have something. For example, I've been going off what I've generally learned in past RTCs, but I could be off base. And I also can't recall the exact legal standards we're held to in responding to comments. Hopefully some type of manual, etc., would have that.

I could reach out to CCILO if no one else is aware of anything in response to Mai's question. Let me know.

Paul Logan

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From: Denawa, Mai <Denawa.Mai@epa.gov>

Sent: Wednesday, May 6, 2020 11:44 AM

To: Chin, Lucita <Chin.Lucita@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>

Cc: Joffe, Brian <Joffe.Brian@epa.gov>; Volk, Everett <volk.everett@epa.gov>

Subject: RE: Dewey Burdock - schedule for final permits

Hi all,

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best practices regarding drafting of response to comments? I recall Sara may have created such a document in the past...but maybe I'm imagining it.
And/or if anyone has other thoughts on what to keep in mind when drafting responses for consistency purposes, please let me know.

Thanks!

From: Chin, Lucita <Chin.Lucita@epa.gov>

Sent: Wednesday, May 6, 2020 7:46 AM

To: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>; Perkins, Erin <Perkins.Erin@epa.gov>; Denawa, Mai <Denawa.Mai@epa.gov>

Cc: Joffe, Brian <Joffe.Brian@epa.gov>; Volk, Everett <volk.everett@epa.gov>

Subject: FW: Dewey Burdock - schedule for final permits

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From: Bahrman, Sarah <Bahrman.Sarah@epa.gov>

Sent: Friday, February 7, 2020 1:39 PM

To: Chin, Lucita <Chin.Lucita@epa.gov>; Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>; Boydston, Michael <Boydston.Michael@epa.gov>; Logan, Paul <Logan.Paul@epa.gov>

Cc: Robinson, Valois <Robinson.Valois@epa.gov>; Minter, Douglas <Minter.Douglas@epa.gov>

Subject: Dewey Burdock - schedule for final permits

Hi Lucita, Kimi, Paul and Mike –

As you are probably aware, we have been working to define a schedule for issuance of the final Dewey Burdock permits. There are still a lot of moving parts, so the team is projecting finalization the last full week of August. I am still working to get Darcy and Greg's full buy-in on this timing.

Assuming the end of August date is approved, we put together a more detailed list of interim deadlines that I wanted to share with you that will help keep us on track for this overall schedule. Please take a look at let Douglas and I know if you think this is reasonable or if you have other commitments that we need to work around. WD and ORC management are meeting next Thurs 2/13 to discuss, so any feedback you have before then would be helpful (either to ORC management or to us).

Thanks,
Sarah

Sarah E. Bahrman | Chief, Safe Drinking Water Branch | U.S. Environmental Protection Agency - Region 8
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